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SUBJECT: CHISSANO TO UN: KONY WON'T GO TO ICC; TO U.S.: TRY HIM IN UGANDA

¶1. (SBU) SUMMARY: The UN Security Council issued a Presidential Statement on December 22 condemning the Lord's Resistance Army (LRA) attacks and LRA rebel leader Joseph Kony's failure to sign the Final Peace Agreement. Special Envoy Chissano told the Council on December 17 that Kony would "rather die" than surrender to the ICC. Chissano said the Ugandan people prefer that the Kony case be handled domestically and suggested the Council should take this view into account. The U.S. welcomed regional efforts and described U.S. assistance to improve development and foster reconciliation. In private, Chissano lobbied the U.S. to push for Kony to be tried in Uganda. END SUMMARY.

PRST CONDEMNS KONY AND LRA, COMMENDS REGIONAL EFFORTS

¶2. (SBU) The UK drafted a Presidential Statement (PRST) condemning the Lord's Resistance Army (LRA) atrocities and Kony's failure to sign the Final Peace Agreement (FPA), which if implemented would disarm and demobilize the LRA. The PRST also commends regional efforts (meaning Uganda, DRC, and Sudan) to address the security threat posed by the LRA. The PRST also acknowledges International Criminal Court (ICC) indictments against LRA leaders and calls for an end to impunity. The consensus document (S/2008/PRST/48) was adopted on December 22.

CHISSANO BRIEFS COUNCIL; KONY WOULD RATHER "DIE" THAN GO TO ICC

¶3. (SBU) On December 17, Former Mozambique President and Great Lakes Special Envoy Joachim Chissano briefed the Council on the failed negotiations with the LRA and its leader, Joseph Kony. Chissano said, since Kony failed to sign the FPA in late November, force was now needed to compel him to sign. He briefed on the joint military operations, saying Ugandan airstrikes hit LRA camps in the (DRC) and now mop-up operations were being conducted by Ugandan forces with support from the DRC army and the Southern Sudan army. Chissano said Kony told him "I would rather die than surrender to the ICC." Chissano said LRA members may scatter when confronted by force to "save their own skin." He said the Ugandan people wanted Kony tried domestically and suggested their wishes be considered by the Council.

CHISSANO'S FIVE RECOMMENDATIONS FOR THE GREAT LAKES REGION

¶4. (SBU) The Special Envoy spelled out five recommendations for the LRA problem. First, the door should be kept open for Kony to sign the FPA, in case he changes his mind. Second, if the LRA does assemble to disarm, the region will need international help in repatriating families and children. Third, the international community must support regional initiatives and efforts to pressure Kony not to return to hostilities. Fourth, the military action against the LRA

must root out all negative forces, as a half-hearted mission will only compound the problem of the LRA. Finally, he said the elements of the FPA that do not involve Kony must be implemented to reintroduce peace and development, and funds must be available to support northern Uganda's recovery. Chissano said Kony must come to "the signing table, not the negotiating table," as the time for negotiations has past.

#### U.S.-LRA IS REGIONAL THREAT AND CAN HAVE NO SAFE HAVEN

15. (SBU) Ambassador DiCarlo told the Council there must be no safe haven for Kony and the LRA, since the LRA continued to destabilize the region. She welcomed the regional efforts to address the LRA. She said the international community must foster reconciliation in northern Uganda, and noted the U.S. financial assistance for the Ugandan Government's Peace, Recovery, and Development Plan.

#### MOST OF COUNCIL SUPPORT REGIONAL EFFORTS

16. (SBU) Russia, France, the UK, Croatia, China, Libya, and Belgium supported regional efforts to bring Kony back to the signing table. South Africa condemned Kony's failure to show at the FPA signing ceremony, and urged the LRA to release all women, children, and non-combatants. Burkina Faso was encouraged by the regional cooperation of Uganda, South Sudan, and the DRC. Costa Rica stressed the need to minimize the humanitarian impact of any military operation.

#### CHISSANO TELLS U.S. KONY SHOULD BE TRIED IN UGANDA

17. (SBU) Chissano, in a private meeting with Ambassador DiCarlo on December 17, said Kony should be tried in Uganda, in order to unify northern and southern Uganda and offer some closure to this chapter of Ugandan history. A Ugandan trial would also allow Kony's victims the right to face Kony and seek reparations, Chissano said. Chissano also said Kony might be able to secure fair treatment for his multiple wives and children if he turns himself in to domestic authorities. He said the ICC should only be used when the country in question is incapable of holding a fair trial, which he did not think was not the case in Uganda. (NOTE: UKUN poloff told USUN poloff on December 18 the UK is determined to have Kony tried by the ICC. END NOTE.) He thought the Security Council should suspend the ICC indictments for one year to remove Kony's final excuse for not signing the FPA, since Kony believes he will be sent straight to The Hague if he comes out of the bush.

Khalilzad